

IN THE CLAIMS

Please amend the claims as follows:

Claim 1 (Currently Amended): An image capturing apparatus, comprising:

a photographic optical system for projecting an image of a subject;

an imaging device for converting the projected image into an image signal and outputting it;

a focus driving device which changes a focusing condition of the image projected to said imaging device by relatively moving at least one of a part or an entire of said photographic optical system and said imaging device to the other;

a ranging device configured to measure a subject distance to said subject;

a first auto focusing device which is a charge coupled device auto focus (CCDAF) configured to obtain and evaluate sequentially an image signal according to each focusing condition changed by relatively moving at least one of a part or an entire of said photographic optical system and said imaging device, thereby obtaining a predetermined focusing condition based on an evaluation result on said image signal;

a second auto focusing device which is an auto focus (AF) including the ranging device configured to obtain a focusing condition according to said subject distance obtained by said ranging device; and

a controlling device for controlling an operation of said first auto focusing device, and wherein said controlling device is configured to switch between said first auto focusing device and said second auto focusing device according to said subject distance obtained by said ranging device;

said controlling device is configured to carry out an evaluation in a peripheral focusing range of a focusing condition which corresponds to said subject distance obtained by said ranging device, and set said peripheral focusing range according to a comparison of a

distance difference between a maximum distance to each part of the subject and a minimum distance to each part of the subject to a predetermined value D1, and

said controlling device is configured to switch between said first auto focusing device and said second auto focusing device according to a presence or absence of a peak evaluation value  $C_{max}$  in said peripheral focusing range.

Claim 2 (Canceled).

Claim 3 (Currently Amended): The image capturing apparatus according to claim [[2]] 1, wherein said controlling device sets said peripheral focusing range wider when said subject distance is more than a predetermined distance L1 and sets said peripheral focusing range narrower when said subject distance is less than said predetermined distance L1.

Claims 4-7 (Canceled).

Claim 8 (Currently Amended): The image capturing apparatus according to claim [[7]] 1, wherein said controlling device sets said peripheral focusing range wider when said distance difference is greater than said predetermined value D1 ~~subject is not in a condition mixed with the long distance and the short distance~~ and sets said peripheral focusing range narrower when said distance difference is smaller than said predetermined value D1 ~~subject is in the condition mixed with the long distance and the short distance~~.

Claim 9 (Canceled).

Claim 10 (Currently Amended): The image capturing apparatus according to claim [[8]] 1, wherein said controlling device switches between said first auto focusing device and

said second auto focusing device to operate said first auto focusing device when said distance difference is smaller than said predetermined value D1 ~~subject is not in a condition mixed with the long distance and the short distance~~ and to operate said second auto focusing device when said distance difference is greater than said predetermined value D1 ~~subject is in the condition mixed with the long distance and the short distance~~.

Claim 11 (New): The image capturing apparatus according to claim 1, wherein said controlling device drives said first auto focusing device to a focus position corresponding to said peak evaluation value  $C_{\max}$  when said peak evaluation value is  $C_{\max}$  is present, and drives said second auto focusing device to a constant focus position when said peak evaluation value  $C_{\max}$  is absent.